

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

CLAY HENRY LEE HITT, *et al.*,
Plaintiffs,

Case No. 6:18-cv-01642-AA
OPINION & ORDER

v.

DOUGLAS COUNTY, *et al.*,
Defendants.

AIKEN, District Judge:

Before the Court is Plaintiffs' Motion for Extension of Time to File First Amended Complaint (doc. 22).

Plaintiffs initially filed their complaint in this Court in September of 2018 (doc. 1) and requested leave to proceed IFP (doc. 2). The complaint asserted claims against a host of state and private parties for \$500,000,000 in damages for an allegedly illegal placement of Plaintiffs' newborn child in government custody. The Court dismissed Plaintiffs' complaint for failing to state a claim on which relief may be granted under 28 U.S.C. § 1915(e) in December of 2018 but granted them leave


to amend within 30 days (doc. 7). Plaintiffs filed a Motion for Extension in January of 2019 (doc. 9) and the Court granted that motion in part by giving Plaintiffs an additional 21 days to file their amended complaint (doc. 12). Plaintiff did not meet this deadline (doc. 13), but the Court nonetheless assessed the complaint under 28 U.S.C. § 1915(e) and dismissed it with another 14 days to amend (doc. 14).

Plaintiff Dale Hitt then filed a Motion for Stay or Motion for Temporary Extension of Time (doc. 15) indicating that he had been incarcerated and could not file an amended complaint by the deadline. Before the Court could rule on Mr. Hitt's motion, plaintiff Kristi Lyn Sperling filed her own Motion for Extension (doc. 17) requesting more time to file an amended complaint due to Mr. Hitt's incarceration. The Court granted them another 30 days to file their amended complaint by June 24, 2019 (doc. 18).

Plaintiffs missed this deadline. Plaintiff have now filed yet another Motion for Extension of Time (doc. 22) "to clear an issue of defendant warrants against Plaintiff Kristi for FTA on traffic citation that was not authorized." Plaintiffs have been informed of the consequences for failing to file their amended complaint within the allotted time throughout this case. *See, e.g.*, Doc. 7 ("failure to file an amended complaint within the allotted time will result in the entry of a judgment of dismissal."); *see also* Doc. 4 (stating the same). Plaintiffs have already missed the deadline for filing an amended complaint and I see no reason to grant their untimely motion for an extension.

Thus, this case is DISMISSED without prejudice and Plaintiffs' motion (doc. 22) is DENIED as moot.

It is so ORDERED and DATED this 2nd day of July, 2019.



Ann Aiken
United States District Judge